UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1341
12 August 1999

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fifth session

SUMMARY RECORD OF THE 1341st MEETING

Held at the Palais des Nations, Geneva,
on Friday, 6 August 1999, at 10 a.m.

Chairman: Mr. ABOUL-NASR

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Fifth periodic report of Mauritania (continued)

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Fifth periodic report of Mauritania (continued) (CERD/C/330/Add.1)

1. At the invitation of the Chairman, the members of the delegation of Mauritania resumed their places at the Committee table.

2. Mr. SHAHI said he greatly appreciated the wealth of information contained in Mauritania's fifth periodic report (CERD/C/330/Add.1), which showed that the country was moving towards multi-party democracy.

3. With reference to paragraph 12 of the report, relating to the population of Mauritania, he hoped that future reports would give the respective percentages of the non-Arabic-speaking Pular, Soninké and Wolof minorities.

4. The growth of civil society was reflected in paragraph 118, which inter alia mentioned 24 political parties. He inquired whether the minorities mentioned in paragraph 12 had their own parties. With regard to the judiciary, he, like previous speakers, drew attention to the statement in paragraph 64 that the President of the Republic presided over the Supreme Council of the Judiciary. That arrangement seemed at odds with the normal separation of powers that guaranteed an independent judiciary, as well as with traditional Islamic rule, under which the ruler himself had always been subject to the courts.

5. Implementation of article 4 of the Convention called for more specific legislation than that reflected in paragraph 105 of the report, which simply referred to the broad provision of article 1 of the Constitution. He hoped that legislation was contemplated with a view to ensuring that article 4, as well as articles 5 and 6, of the Convention, would be fully implemented. Although, according to paragraph 85 of the report, no discriminatory practices on the ground of race had ever been reported and the courts had never had to deal with a case of racial discrimination, the Government should still devote attention to ensuring adequate provision for recourse and redress if and when such cases arose.

6. Mr. OULD MERZOUG (Mauritania), replying to the questions and comments raised by members of the Committee, said he appreciated the opportunity for full and frank discussions with the members of the Committee, and particularly welcomed their recognition of Mauritania's efforts in the face of the many domestic difficulties and an international climate increasingly harsh for third world countries. In general, he felt that some of the questions and comments reflected a lack of understanding of Mauritania's established institutions and practices. For example, the Constitution guaranteed the independence of the judiciary, through the President of the Republic, assisted by the Supreme Council of the Judiciary, over which he presided, as stated in paragraph 64 of the report. In France, too, the President of the Republic was the constitutional guarantor of the judiciary's independence. The Supreme Council of the Judiciary had full powers to ensure the exercise of its prerogatives, including disciplinary action and rulings on professional

ethics. For example, action had been taken, in 1996, against certain judges who had been lax in dealing with cases relating to slavery. Judges themselves were represented on the Supreme Council, three of them being elected by their peers for a two-year period; paragraph 64 of the report indeed set out the full composition of the Council. Thus, the executive exerted no pressure at all on the judiciary, whose status was being further enhanced as a result of recent government measures which had enabled the Council to decide on an increase in judges' salaries and establish competitive recruitment with the aim of raising court standards.

7. On the subject of intercommunity relations, there was no basis for the implication, in a number of questions raised, that certain sectors of the population received different treatment from others, for example by being under-represented in public institutions. Black and white citizens were treated alike, without any distinction, as part of the national commitment to equality and social cohesion, which ruled out any discrimination on such grounds as ethnic origin or sex. Visitors to Mauritania were able to see how population development over the centuries had created stable, equitable interrelationships, promoted and protected by the Government's constant efforts to uphold the economic, social and cultural rights of all citizens and to foster a culture of responsible citizenship in a modern State under the rule of law. The Government operated through transparent mechanisms, and the only majority influence on it was electoral and parliamentary, unaffected by any other interests, ethnic or otherwise. Citizens had the right to support any political party they chose, but no parties were associated with ethnic groups. Pursuant to article 2 of the Constitution, the people were the source of all power, exercised through their elected representatives or by referendum.

8. At the previous meeting one member of the Committee had commented on notional ethnic composition, somewhat selectively quoting information from Agence France Presse and other media sources. The failure to mention the further details, relating inter alia to government and executive composition, had presented a distorted picture and doubtless caused misunderstanding.

9. With regard to education, the general situation in West Africa had been well recorded by historians. In the colonial era, the little schooling available had usually been provided by Christian missionaries; as a result, only the non-Islamic communities had benefited. After independence, all children, including those of Arabic-speaking Islamic communities, had had access to education. The resulting change in balance with regard to the different population sectors' learning and acquisition of skills could have led to tensions, with the dire results that had been seen, for example, in Lebanon.

10. On the subject of national languages and cultural identity, since 1979 the State had adopted legislation which inter alia recognized Pular, Soninké and Wolof as national languages and had made provision to develop written forms for them; after some consideration, it had been decided to transcribe them in Latin characters. A National Languages Institute had also been established to develop teaching programmes. Such measures stemmed, in the Government's view, from its duty to promote national languages. Nouakchott University included faculties of Arabic and French. In addition, the teaching

of French and English, both important world languages, was being expanded in the reformed educational system, in which lessons in civics, including human rights, were being introduced. He failed to see how any of those developments could be construed as discriminating against any population sector or as being detrimental to intercommunity relations. He was likewise puzzled by the Country Rapporteur's reference to "Arabization" in respect of a country which already had a considerable Arabic-speaking majority, Arabic being in any case a major national and international language. In that regard, it seemed ironic that only recently France had refused to sign a text in which regional languages were recognized.

11. In demographic terms, the entire Sahel region was characterized by high concentrations of inhabitants and by the precarious situation they faced owing to drought and unreliable rainfall patterns. Traditionally they had been quite mobile, with people moving north to the edge of the Sahara in relatively wet seasons and congregating in the south in times of drought. Since the 1960s, when the countries of the region had acceded to independence and established their national boundaries, the various States had endeavoured to alter that mobile way of life and to transform the Sahel from a place of migration to one of production, and that had led to certain recurring conflicts of interest between pastoralists and farmers, which were not racial but economic in nature.

12. There had been conflicts in Mauritania's history, but they had generally been fought on religious rather than racial grounds. Some of those campaigns had seen white Moors fighting side by side out of solidarity with Pulars and Wolofs to stop the slave trade. The conflicts had led to certain military alliances, which in turn had produced alliances through marriage, resulting in broad unions between the Moorish emirs and numerous black kingdoms in the Senegal River valley.

13. The Country Rapporteur had mistakenly depicted the more recent 1989 disturbances as ones which had pitted Moor pastoralists against black farmers. The conflict had in fact originally erupted between the Pular and Soninké communities, with no Moor involvement. However, it had subsequently been the duty of the Mauritanian State to defend its citizens against those of another country. In those troubled times, both Senegal and Mauritania had, for well-known reasons, repatriated a large number of people. Mauritania, for ethical and moral reasons, had decided not to establish refugee camps but rather to rely upon national solidarity to accommodate the 240,000 nationals - representing some 10 per cent of the country's population - who had been repatriated in just 10 days. When the two countries had reconciled their differences Mauritania had opened its borders to all persons, Mauritanian or foreign, who had been displaced, and the Mauritanian Red Crescent (MRC) and the Office of the United Nations High Commissioner for Refugees (UNHCR) had coordinated the return of tens of thousands of displaced people. In June 1996 the Government, the MRC and UNHCR had established a special rapid integration programme which, had included 250 projects to assist returning families, and had restored most land and property ownership to the returnees. The State was currently making efforts to reinstate all public employees who had lost their posts, for example in the public service or in education. For example, the

president of the Association of Mauritanian Refugees in Senegal had been reinstated in his post in the Ministry of Equipment and Transport after his return.

14. An oversimplified explanation had been given of the dispossession of wealthy black landowners in the Senegal River valley, from information furnished by an organization with little first-hand knowledge. The Committee should refrain from quoting such sources, especially when it could easily refer to such renowned and authoritative institutions as ORSTOM, the French cooperation research institute, which had 75 years of experience working in the valley. The river constituted the natural border between Senegal and Mauritania, and nearer its source also crossed through part of Mali. In the 1970s the three States, which were subject to chronic food insecurity and lacked resources, had decided jointly to develop irrigation in the river valley, hydroelectric power production and navigability, and had established the Organization for the Development of the Senegal River for the purpose. To build the two dams at Manantali and Diama, the two countries concerned had contracted debts accounting for nearly half of their overall debt servicing. The dams had an operational life of no more than 50 years, and the debt had to be reimbursed. Land redistribution had thus been necessary, as it would have been impossible to organize the development of 110,000 hectares in 10 years if the holdings had remained in half-hectare plots. In Senegal, land had been redistributed not only to Senegalese farmers, but also to foreign holdings. In Mauritania, all the redistributed land had been acquired by small farmers, often with the help of State loans. After receiving such holdings, some of those farmers had then sold them. The State could not prevent landholders from selling their property.

15. Another question had centred around the efforts made by the Government to combat poverty among certain groups. Committee members were invited to visit the more modest neighbourhoods on the outskirts of the country's cities, where they would see that the population in such areas was thoroughly mixed. It was the State's responsibility to improve their lot in the most equitable way possible.

16. Mauritania had always advocated an integrated, interdependent and indivisible approach to all human rights, and believed that economic and political progress must go hand in hand. In May 1998 it had therefore established the Office of the Commissioner for Human Rights, Poverty Alleviation and Integration, with broad powers for the encouragement, coordination, promotion and practical implementation of human rights. The Government's main objective was to ensure full enjoyment of human rights for all Mauritanians, namely by promoting fundamental rights, combating poverty, working with civil society and establishing the proper infrastructure, including the Office of the Commissioner.

17. In December 1998, that Office had launched a national plan for the promotion of human rights, the inauguration of which coincided with the fiftieth anniversary celebrations for the Universal Declaration of Human Rights organized in coordination with the University of Nouakchott, the public and private media, the Ministry of Education and Literacy and the Secretariat of State for Women's Affairs. Under its mandate, the Office of the Commissioner was to hold constructive discussions with all civil society organizations concerned with safeguarding and promoting human rights, deal

with complaints and investigate and follow up on human rights violations, and report annually on the human rights situation in the country. It was also responsible for working with regional and international human rights organizations, especially for the ratification of treaties and the presentation of periodic reports, including the one under discussion at the present meeting.

18. In July 1999, Mauritania had ratified the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. At the request of the Government, the Office of the United Nations High Commissioner for Human Rights had sent a mission to Mauritania from 4 to 11 July 1999 to assess the country's needs in terms of human rights, and had met all those involved in human rights work in the country, including government ministries, non-governmental organizations, journalists, trade unionists, foreign diplomatic missions and representatives of United Nations agencies.

19. The main priority of the Office of the Commissioner for Human Rights, Poverty Alleviation and Integration, was the fight against poverty and ignorance, since the Government believed that no one could enjoy civil and political rights unless their economic, social and cultural rights were guaranteed. A national poverty alleviation programme had been adopted in 1998, which aimed to reduce poverty by 18 per cent by the year 2001 using an integrated and innovative approach. The programme included economic measures, such as the redirection of investment to priority sectors such as agriculture, fisheries, animal husbandry and craft industries, support for small enterprises and the provision of small loans through savings and credit schemes run by the people themselves. The social aspects of the programme concentrated on redirecting public expenditure towards basic services such as water, education and health.

20. The Government's poverty alleviation measures were aimed at two main target groups. Firstly, there were the inhabitants of the shanty towns around the towns of Nouakchott and Nouadhibou, more particularly people with the lowest incomes, unemployed people from poor families without qualifications, female heads of households and small-scale fishermen. The second target group consisted of people in the poorest rural areas, in the south-east, centre and south of the country. The Office of the Commissioner worked for and with poor people through village cooperatives, farmers' associations, and craft and women's cooperatives. He invited members of the Committee to visit Mauritania and see for themselves the work which was being done.

21. Another body, the Office of the Food Security Commissioner, had recently changed emphasis from emergency food aid to the management and prevention of food crises at the national, rather than subregional, level. A programme developed with the assistance of the European Union would run until the year 2002, with a budget of 18 million ecus. Another mechanism for humanitarian aid at the national level had been developed with the assistance of a number of humanitarian organizations.

22. For population figures, he referred the Committee to paragraph 16 of the country report, adding that the proportion of nomads in the population had fallen from 80 per cent in the 1960s to 8 per cent.

23. Turning to the issue of slavery in Mauritania, he said that all African societies in the pre-colonial era had been marked by inequalities due to the traditional rigid class hierarchy and the caste system, and Mauritania had been no exception. However, a caste system had existed within each of Mauritania's communities - Arab, Pular, Soninké and Wolof. For example, one community had 12 castes, divided into three main groups: freemen, trades people such as fishermen or weavers, and slaves, who had often been captured in war. There was thus no racial dimension to slavery. It was a fallacy to believe that the Arabs had been the masters and the blacks the slaves. In fact, the Arab community had adopted the social structure of the other communities in Mauritania, which existed nowhere else in the Arab world. Members of the Arab community in Mauritania had been prominent in the fight against the slave trade.

24. The traditional social structure which he had just described had been destroyed by colonialization. The schools and jobs created by the colonial authority had principally benefited the lower castes in society, partly because the higher castes were more hostile to attempts to convert them to Christianity. As the colonial era had drawn to its close after the Second World War, new political associations had been formed which had challenged the traditional social structure and sought the advancement of the poorest groups. Independence from colonial rule in 1961 and the effects of new production methods and equipment, the market economy and the drought of the 1970s and 1980s had dealt the final blow to the traditional caste system. The nomadic population had been forced to become sedentary, and the former aristocrats and those they had exploited had moved into the shanty towns together. The formal abolition of slavery in 1980 had been important less as a legal measure - since slavery no longer existed in practice - than as a symbol of the religious authorities' commitment to the fight against social inequality and an attempt to change the outdated attitudes which still persisted in some remote rural areas. A field survey commissioned by the Government, in which it had invited the President of the Anti-Slavery Society to participate, had confirmed that slavery no longer existed in Mauritania.

25. Since the abolition of slavery, developments in such fields as education, health and poverty alleviation had benefited the former slaves and their former masters alike. The Government did not wish to create new social barriers, but to eliminate all traces of past injustices by means of social and economic development.

26. The Country Rapporteur had made many references to a report on Mauritania by the United States Department of State. That report referred to the many family and neighbourly relationships and alliances which were factors in the phenomenon of slavery. The United States of America was well qualified to judge, from its own history, that such relationships could not disappear overnight. The Department of State report had made extensive use of evidence from the African Commission of Promoters of Health and Human Rights, which was actually a grouping of marginalized Mauritanian extremists which had made racial hatred into a political programme. The Country Rapporteur had also

quoted evidence from the Mauritanian Association for Human Rights and SOS esclaves, whose members had been high-ranking officials in the previous Government. For instance, the President of the Mauritanian Association for Human Rights had been a member of the Cabinet in 1981. In 1989, the President of SOS esclaves had been quoted in the press as saying that no slavery existed in Mauritania. The same person had actually paid people to claim that they were slaves for the purposes of a television documentary, as had been independently proven by United States officials in Mauritania. Another official, a Consul General, had been prosecuted for stealing public funds and had promptly claimed asylum in France on grounds associated with the slavery issue. His Government had considerable doubts about the credibility of such people, who had so recently been converted to the cause of human rights.

27. Mauritanian law condemned slavery and forced labour, and organizations claiming that such practices existed would do well to bring any cases they knew of to court, because the courts always upheld the law strictly. Moreover, the Supreme Council of the Judiciary had systematically disbarred any magistrate who had been lax in applying the inheritance laws. Mauritania - like any other Sudano-Sahelian country - was still experiencing the consequences of centuries-old problems that no longer existed in contemporary society.

28. It should be pointed out that Mauritania was one of the first countries in Africa to have achieved universal education, an adequate level of health care and respect for human rights. In order to combat the vestiges of practices like slavery, the Government had to deal with the social, educational, agrarian, political and economic dimensions of the problem. It had applied itself to raising the standard of living of the poorest by 15 per cent, and had encouraged the activities of trade unions. Given the importance of land ownership, it had sought to make it accessible to persons at all levels of society, by providing loans for the purpose, originally through one of the national banks and currently through a non-governmental financial organization. The Government's educational efforts had focused on villages peopled by the most disadvantaged members of society, and between 1985 and 1994 the number of schools in such areas had increased by 250 per cent. Since decentralization there had been 208 communes in Mauritania, and it was significant that in over 65 per cent of them, the mayors had come from those deprived levels of society. The Government also provided free legal assistance to the poor so that they could have access to justice.

29. Regarding human rights education, the Ministry of Justice would in a few weeks' time be issuing a human rights manual in all the spoken languages of the country, for which it had raised funds on its own. The manual would be a survey of general human rights principles and would provide information on the legal remedies available to individuals. It was planning a mass distribution to all communities in the country and to all the courts.

30. The Government had not yet made the optional declaration under article 14 of the Convention but was still considering the matter. Its report to the Committee would be publicized on radio and television and in the press and made known to the appropriate civil society organizations. National debates would also be organized around the subject.

31. The State advocated tolerance and encouraged the kind of intercommunity relations that fostered it. Officials appeared frequently on radio and television and maintained relations with the various churches in order to instil the concept. The Government maintained very open contacts with non-governmental organizations (NGOs) promoting tolerance.

32. The CHAIRMAN observed that Committee members received information from many NGOs, some of them excellent, others less so, others with a political agenda. The Committee did its utmost to verify the information, and he assured the delegation that its intentions were of the best. It was through dialogue with the representatives of Governments that the true situation in such cases could be clarified.

33. Mr. FERRERO COSTA said that he would appreciate fuller information in the next report on the recently established Office of the Commissioner for Human Rights, Poverty Alleviation and Integration which had been dealt with very amply in the oral presentation. He wished to know who appointed the Commissioner, what government rank he had, how the office was structured and what its functions were. It would be interesting to know the ways in which Mauritania was fighting poverty so that the people could advance both socially and politically.

34. With regard to the Mediator of the Republic (report, paras. 76-79) he would like details in the next report on who appointed him, whether he was independent, what his specific role and powers were and if they included acting as a defender of the people vis-à-vis the State, and what access he had to the judiciary and other branches of Government.

35. The CHAIRMAN suggested that the more substantive parts of the oral presentation just made by the delegation might be included in the next written report.

36. Mr. de GOUTTES, (Country Rapporteur) said that the meetings had been a good example of pluralism of ideas and of a dialogue between the Committee and a State party's delegation, which augured well for the future. His overall impression was a positive one; in addition to the most constructive contacts he had had with the authorities prior to consideration of the report, he had especially appreciated the delegation's in-depth consideration of the economic situation of the country and the historical context.

37. Recalling that Committee members were themselves independent and did not represent any country, he said that they had access to independent sources of information, which they could use provided that they indicated what the sources were. Those he himself had cited he had not necessarily endorsed; he had simply asked for the delegation's reaction.

38. The high level of the delegation and the quality of the dialogue showed its real willingness to cooperate with the Committee. The Committee in turn had to encourage a country which, to use its own words, was trying to build a modern, democratic State, respectful of the rule of law and strongly unified, and to do so in the face of poverty, drought, declining rural standards of living and agrarian, ethnic and other problems. The Committee must support the Government in its overall policy to improve the conditions of those living

in the most disadvantaged areas and to protect nomads, through its anti-poverty and literacy programmes and by eliminating any vestiges of slavery and promoting health, social programmes, housing, women, youth and human rights education. The Government was also to be commended for having ranked the Convention above its national laws so that it could be invoked directly in the courts, and for having founded the Office of the Commissioner for Human Rights, Poverty Alleviation and Integration.

39. In the next report, it would be useful to have more information on the ethnic composition of the country and the socio-economic indicators relevant to the implementation of the Convention; on the implementation of articles 2, 4 and 6 of the Convention, with details of the legislation relating to article 4 and some of the court cases, if possible; on the progress the Government was making in eliminating any remaining discrimination against certain parts of the population, or marginalization, especially among the blacks, and wiping out any de facto survival of forms of serfdom or slavery, in conformity with article 5 of the Convention.

40. The CHAIRMAN commended the delegation for its informative presentation and the high-quality discussion, which he hoped would continue in the future.

The meeting rose at 12.55 p.m.